

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
)  
Revision of the Commission's ) CC Docket No. 94-102  
Rules to Ensure Compatibility )  
with Enhanced 911 Emergency )  
Calling Systems )  
  
To: The Commission

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OFFICE OF THE SECRETARY

COMMENTS OF APCO IN RESPONSE TO PUBLIC NOTICE  
OF AUGUST 16, 1999

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following brief comments in response to the above-referenced *Public Notice* of August 16, 1999 (DA No. 99-1627), regarding the Wireless E911 Report filed by CTIA, PCIA, APCO, NENA, and NASNA on August 9, 1999, and the separate comments filed by other parties in response to the Commission's prior *Public Notice* of June 9, 1999 (FCC No. 99-132).

APCO recommended in its addendum to the Wireless E911 Report that the Commission's rules should be either clarified or modified to make clear that a wireless carrier's E9-1-1 obligations are not contingent upon there being a government-sponsored and government-administered mechanism for carriers to recover their own costs in implementing the E9-1-1 rules. In the absence of such a cost-recovery mechanism, carriers would recover their expenses directly from their own subscribers, either through a line-item "bill and keep" approach or simply as a cost-of-doing-business reflected in their overall pricing structure.

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APCO reiterates herein that it is not suggesting that the Commission prohibit states from creating cost-recovery procedures that include carriers' expenses. Nor should the Commission pre-empt existing cost-recovery legislation. Rather, the Commission should give states and other relevant 9-1-1 authorities the *option* of not adopting cost-recovery for carriers' expenses. This will be especially important for Phase II, which few if any existing cost-recovery statutes address in any substantive manner.

Several parties have already opposed APCO's proposal, arguing that state-sponsored and state-administered cost-recovery is necessary to spread more evenly the cost of implementation across carriers, or to somehow make it easier for PSAPs to obtain their own cost-recovery. APCO acknowledges that some of these factors may justify the need for carrier cost-recovery procedures in certain instances.<sup>1</sup> However, each state or relevant 9-1-1 authority should make its own determination as to the need for carrier cost-recovery. They should not be required to engage in the difficult, time-consuming, and controversial step of establishing and collecting fees from carriers' subscribers for the purpose of then redistributing those funds to the relevant carriers. APCO believes that in most (but not necessarily all) instances, the far better approach will be for carriers to pay their own costs of complying with the FCC's regulations.

Finally, APCO takes issue with some of the comments from Omnipoint, AT&T, and others which attempt to paint an overly optimistic view of E9-1-1 compliance to date. The reality is that only 2-3% of all subscribers have access to Phase I capability.

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<sup>1</sup> APCO notes, however, that the anticipated Commission action in this proceeding on September 15, 1999, will give carriers additional technology options for providing Phase II capability. This should make it more likely that all carriers will be able to provide cost-effective Phase II capability.

There are 23 states with no Phase I cost-recovery legislation, and few if any states with procedures or fees in place to address the substantial carrier expenses related to Phase II implementation. Yes, there has been progress, but no, we are not nearly as far along as we should be, or could be if the Commission's corrects certain anomalies in its current rules.

In particular, the extremely slow pace of cost-recovery legislation has been the principal impediment to implementing the Commission's E9-1-1 rules. Modifying the rules as suggested by APCO will not solve all of the problems facing E9-1-1 deployment, but it will greatly facilitate the process by giving states and relevant 9-1-1 authorities additional flexibility. No longer will subscribers be held hostage by the lack of state legislative activity for the benefit of carriers. Rather, as with virtually every other type of federal health and safety regulation, regulated entities will need to comply with the regulations whether or not state governments provide mechanisms to recover the costs of compliance.

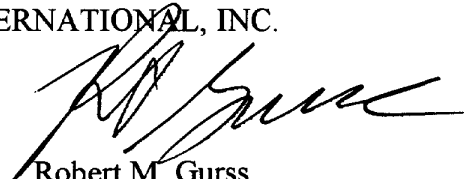
## CONCLUSION

The Commission should move quickly to modify or clarify the cost-recovery aspect of the E9-1-1 rules as discussed above and in APCO's prior statement.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY  
COMMUNICATIONS OFFICIALS-  
INTERNATIONAL, INC.

By:



Robert M. Gurss  
WILKES, ARTIS, HEDRICK & LANE,  
Chartered  
1666 K Street, N.W. #1100  
Washington, D.C. 20006  
(202) 457-7329

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